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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,700	01/31/2002	Richard C. Lau	1403	2161

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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,700

Applicant(s)

LAU ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-7, 9, 13-15, 17-19, 21, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0159458 to Foster et al.

- a. As per claims 1, 13, 25 and 26, Foster et al teaches a method and system for reserved addressing in a communications network. Furthermore, Foster et al teaches a method to determine a physical connectivity configuration of at least a portion of a network when the physical connectivity configuration is unknown, the method comprising: receiving status information relating to nodes in the portion of the network whose unknown physical connectivity configuration is to be determined (See page 5, paragraph [0035], *Each port of an interconnected fabric module identifies whether it is connected to a port of another device, such as another switch or a node. The interconnect fabric module then provides to the network manager an*

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identification of which ports are connected to other ports to assist in the discovery process);
determining, for the nodes, respective labels that indicate one or more virtual connections
traversing the nodes based on the status information (See page 6, paragraph [0039], *The*
component identifies virtual addresses for the paths and initialize the label tables of the ports)
identifying at least one link between a subset of the nodes based on the respective labels and
determining the physical connectivity configuration of the portion of the network based on the at
least one link (See page 6, paragraph [0037], *the network manager can then send a query*
message through each indicated ports to the connected – to ports. The connected –to ports then
respond with the identification of the connected-to).

b. As per claims 2 and 14, Foster et al teaches the claimed invention as described above.
Furthermore, Foster et al teaches wherein receiving status information comprises: receiving
management information base parameters from the nodes (See page 4, paragraph [0029]).

c. As per claims 3 and 15, Foster et al teaches the claimed invention as described above.
Furthermore, Foster et al teaches wherein receiving the management information base
parameters comprises receiving a virtual path identifier for each of the one or more virtual
connections (See page 4, paragraph [0029]).

d. As per claims 5 and 17, Foster et al teaches the claimed invention as described above.
Furthermore, Foster et al teaches wherein determining respective labels that indicate one or more
virtual connections traversing the nodes comprises determining one or more identifiers for each

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of the one or more virtual connections (See page 4, paragraph [0029-0030]).

e. As per claims 6 and 18, Foster et al teaches the claimed invention as described above. Furthermore, Foster et al teaches wherein identifying at least one link between a subset of the nodes comprises determining the subset of nodes having the same one or more identifiers (See page 6, paragraph [0037]).

f. As per claims 7 and 19, Foster et al teaches the claimed invention as described above. Furthermore, Foster et al teaches wherein determining one or more identifiers comprises determining a virtual path identifier for each of the one or more virtual connections (See page 4, paragraph [0029-0030]).

g. As per claims 9 and 21, Foster et al teaches the claimed invention as described above. Furthermore, Foster et al teaches determining respective labels that indicate one or more virtual connections traversing the nodes comprises: determining a number of the virtual connections traversing the nodes; and determining respective cardinalities of the nodes based on the number of the virtual connections (See page 19, paragraph [0220]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0159458 to Foster et al in view of U.S. Patent No.6,834054 to Dumortier et al.

a. As per claims 4, 8,16 and 20, Foster teaches the claimed invention as described above. However, Foster et al fails to teach wherein receiving the management information base parameters comprises receiving virtual channel identifier information for each of the one or more virtual connections.

Dumortier et al teaches receiving virtual channel identifier information for each of the one or more virtual connections (See col. 4, lines 5-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving virtual channel identifier information for each of the one or more virtual connections as taught by Dumortier et al in the claimed invention of Foster in order to trigger the establishment of shortcuts and controls the marking of data packets with labels (See col. 4, lines 5-10).

5. Claims 10-12 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0159458 to Foster et al in view of U.S. Patent No. 6,437807 to Ibe et al.

a. As per claims 10 and 22, Foster et al teaches the claimed invention as described above.

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Foster et al fails to teach wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same cardinality.

Ibe et al teaches wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same cardinality (See col. 25, lines 35-57)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same cardinality as taught by Ibe et al in the claimed invention of Foster et al in order to automatically partition the communication network into a number of domains, each including a plurality of devices, and informing each of the number of devices in each of the domains of partitioning information (See col. 2, lines 44-52).

b. As per claims 11 and 23, Foster et al teaches the claimed invention as described above. Furthermore, Foster et al teaches receiving additional status information when the subset of nodes exceeds a threshold number of nodes (See page 5, paragraph [0031]).

c. As per claims 12 and 24, Foster et al teaches the claimed invention as described above. Furthermore, Foster et al teaches wherein the threshold number of nodes is any number (See page 5, paragraph [0031]).

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2002/0143935 to Schenkel et al teaches a method of determining a connection between a data emitting device and a network device which may carry the data.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER